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61
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1754
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Naomi NODA et al.

Group Art Unit: 1754

Serial No.: 09/735,930

Examiner: Cam N. Nguyen

Filed: December 14, 2000

For: CATALYST BODY

PETITION UNDER 37 CFR 1.181 TO WITHDRAW
FINALITY OF OFFICE ACTION

Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

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AUTHORIZATION TO DEBIT
OR CREDIT FEES TO
DEP. ACCT. 16-0331
PARKHURST & WENDEL

Sir:

Applicants petition to withdraw the finality of the Office

Action mailed September 16, 2003.

An Amendment was filed June 27, 2003 accompanying a request for continued examination under 37 CFR 1.114 wherein applicants further amended the only independent claim (1) to recite that the catalyst body also comprised a heat-resistant inorganic oxide and a noble metal loaded thereon. Arguments in support of the patentability of the claims as amended were presented in the Remarks portion of that Amendment.

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01 FC:1460 130.00 DR

Adjustment date: 04/01/2004 SDIRETA1
11/13/2003 RWINDUSH 00000001 160331 09735930
01 FC:1460 130.00 CR

DEP & REF
Room 307



STATUS AND ENTITY
BRANCH

2004 MAR 19 PM 4:07

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Naomi NODA et al.

Serial No.: 09/735,930

Filed: December 14, 2000

For: CATALYST BODY

Attention: Refund Division
Accounting Division
Office of Finance

Examiner: Stuart L. Hendrickson

Group Art Unit: 1754

REQUEST FOR REFUND

MAIL STOP 16
Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Applicants request a refund in the amount of \$130 believed improperly charged to Deposit Account No. 16-0331 on November 13, 2003 for the following reasons.

There was filed on October 29, 2003 a Petition Under 37 CFR 1.181 to Withdraw Finality of Office Action; a copy of the Petition is enclosed.

In an Office Action mailed February 20, 2004 it was stated at the top of page 2 of that document, copy of page 2 enclosed, that the petition to withdraw finality was granted.

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DEP ACCT. 16-0331

STATUS AND ENTITY
BRANCH

2004 MAR 19 PM 4:07

Serial No. 09/735,930

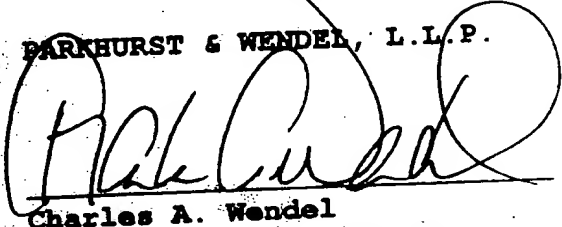
Moreover, a Petition Under 37 CFR 1.181 is not the type of petition involving a petition fee.

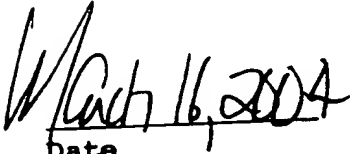
Accordingly, the amount of the improper charge is asked to be credited to Deposit Account No. 16-0331.

The USPTO is asked to contact the undersigned if anything further is required in consideration of this request.

Respectfully submitted,

PARKHURST & WENDEL, L.L.P.


Charles A. Wendel
Registration No. 24,453


Date
CAW/ch
Enclosures

Attorney Docket No.: WATK:205

PARKHURST & WENDEL, L.L.P.
1421 Prince Street, Suite 210
Alexandria, Virginia 22314-2805
Telephone: (703) 739-0220



STATUS AND ENTITY
BRANCH

2004 MAR 19 PM 4:07

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Naomi NODA et al.

Group Art Unit: 1754

Serial No.: 09/735,930

Examiner: Cam N. Nguyen

Filed: December 14, 2000

For: CATALYST BODY

PETITION UNDER 37 CFR 1.181 TO WITHDRAW
FINALITY OF OFFICE ACTION

Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Applicants petition to withdraw the finality of the Office
Action mailed September 16, 2003.

An Amendment was filed June 27, 2003 accompanying a request
for continued examination under 37 CFR 1.114 wherein applicants
further amended the only independent claim (1) to recite that the
catalyst body also comprised a heat-resistant inorganic oxide and
a noble metal loaded thereon. Arguments in support of the
patentability of the claims as amended were presented in the
Remarks portion of that Amendment.

STATUS AND ENTITY
BRANCH

2004 MAR 19 PM 4:07

Serial No. 09/735,930

The Examiner stated at page 8 of the September 16, 2003 Office Action that the claims are drawn to the same invention claimed in the earlier case and could have been finally rejected on the grounds and art of record in the next Office Action had they been entered earlier in the case. Applicants note also that (1) there was a very lengthy interview held with the Examiner on May 13, 2003, (2) the claims as revised present for consideration issues different from those in the prior Final Rejection of January 27, 2003, and (3) those changes were presented to address comments made and concerns expressed by the Examiner during the May 13, 2003 interview. There is a change in claim scope sufficient to entitle applicants to regular examination here. The finality of the Office Action is premature and it should be withdrawn.

A grant of the petition is earnestly solicited.

STATUS AND ENTITY
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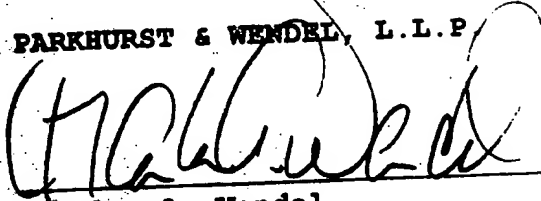
Serial No. 09/735,930

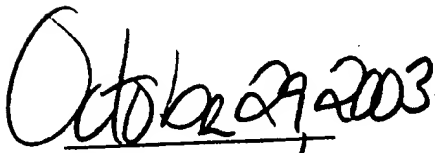
2004 MAR 19 PM 4:08

The USPTO is authorized to debit Deposit Account No. 16-0331
for any fees required for consideration of this paper.

Respectfully submitted,

PARKHURST & WENDEL, L.L.P.


Charles A. Wendel
Registration No. 24,453


Date

CAW/ch

Attorney Docket No.: WATK:205
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Alexandria, Virginia 22314-2805
Telephone: (703) 739-0220

Application/Control Number: 09/735,934
Unit: 1754



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The text of those sections of Title 35, U.S.C. Code not included in this action can be found in a prior Office action. The request for withdrawal of the FINALITY is granted. The amendment of 1/9/04 has been entered.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-3, 5, 7, 8, 10 and 11 are rejected under 35 U.S.C. 102(a) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Iizuka et al 5968870.

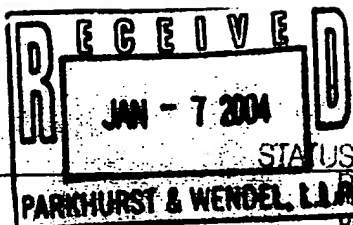
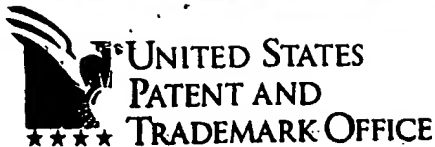
Iizuka teaches in column 4 impregnating a honeycomb with alumina, then with Na, Ti and Pt. No difference in the catalyst is seen; compare to specification examples.

Claims 1-3, 5, 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lindner et al. taken with Deeba et al.

This is the same rejection made in paper mailed 9/16/03, incorporated herein by reference.

Applicant's arguments filed 1/9/04 have been fully considered but they are not persuasive.

The combination is proper because both references seek to remove NOx. The comparative data alluded to is not persuasive as it is not a side by side comparison to the references applied. It is not necessary for the references to discuss- let alone solve-



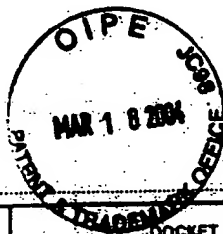
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MONTHLY STATEMENT OF DEPOSIT ACCOUNT

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PARKHURST WENDEL & BURR, L.L.P.
ATT: ROGER W PARKHURST
1421 PRINCE ST
SUITE 210
ALEXANDRIA VA 22314

FINA



2004 MAR 19 PM 4:08

Account No.	160331
Date	11-28-03
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